

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

**Rule making related to continuing education exceptions and removal of licensure sanctions
for nonpayment of student debt**

The Professional Licensure Division hereby amends Chapter 4, “Board Administrative Processes,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 272C.2 and 272C.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 272C.2(4) and 272C.4(10).

Purpose and Summary

2019 Iowa Acts, Senate File 304, amended Iowa Code section 272C.4 and removed the requirement that licensing boards impose discipline against a licensee who has defaulted on a repayment or service obligation under any federal or state educational loan or service-conditional scholarship program. This rule making removes the subrule language that adopts the Department of Public Health’s procedures for denying a license or imposing discipline against a license following receipt of a certificate of noncompliance from the College Student Aid Commission and adds language specifying that licensure sanctions for default or delinquency on student debt or a service obligation are prohibited.

This rule making also amends subrule 4.12(1) governing automatic continuing education exemptions to clarify that funeral directors who served honorably on active duty in the military service during the license biennium may be exempt from continuing education requirements.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 11, 2020, as **ARC 4963C**. A public hearing was scheduled but, due to COVID-19, was not held. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Division on August 25, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provision accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on October 28, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 4.12(1) as follows:

4.12(1) A licensee, ~~except a funeral director,~~ shall be exempt from the continuing education requirement during the license biennium when the licensee:

a. to d. No change.

ITEM 2. Amend rule 645—4.16(252J,261,272D) as follows:

645—4.16(252J,261,272D) Noncompliance rules regarding child support, loan repayment and nonpayment of state debt.

4.16(1) *Child support noncompliance.* The board hereby adopts by reference 641—Chapter 192, “Child Support Noncompliance,” Iowa Administrative Code.

4.16(2) *Noncompliance of loan repayment.* ~~*Sanctions for default or delinquency on student loan debt or service obligation prohibited.*~~ ~~The board hereby adopts by reference 641—Chapter 195, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation,” Iowa Administrative Code.~~ The board shall not suspend or revoke the license or certification of a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

4.16(3) *Nonpayment of state debt.* The board hereby adopts by reference 641—Chapter 194, “Nonpayment of State Debt,” Iowa Administrative Code.

ITEM 3. Amend **645—Chapter 4**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 21, 147, 252J, ~~261~~, 272C and 272D.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/23/20.